

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : AFFIDAVIT  
: 12 Cr. 661 (SLT)  
:  
-against- :  
:  
:  
:  
MADHI HASHI, :  
:  
DEFENDANT. :  
:

MADHI HASHI, being duly sworn, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

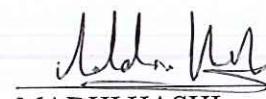
1. I am the defendant in the above-captioned matter and I submit this affidavit in support of my request to suppress statements obtained from me after my arrest on or about August 4, 2012.
2. On or about August 4, 2012, I was arrested in Djibouti by Djiboutian soldiers and law enforcement agents.
3. After my arrest, I was taken to a secret government location in Djibouti City, Djibouti, where, after answering a series of pedigree-type questions, I was held in a small prison cell with two other men who had been arrested that evening.
4. I was held in this prison cell until I was brought to the United States. It measured roughly five-meters-long by five-meters-wide and contained only a toilet and small sink. For the first several weeks, I shared this cell with two other men. I was forced to sleep on a marble floor and was fed only bread and beans for breakfast and dinner, and pasta or rice for lunch. With the exception of the interrogation sessions, I was never permitted to leave the cell. It was poorly ventilated, not air conditioned and the temperature of the cell was scalding.
4. Several days after my arrest, I observed from my cell my co-defendant Ali Yasin Ahmed ("Ahmed") being tortured by Djiboutian law enforcement personnel. Specifically, I watched as the Djiboutian agents hung Ahmed upside down from his ankles. He was gagged, blindfolded and beaten.

5. Moreover, in addition to hearing the continuous torture of other inmates in that facility, I witnessed the beating of another inmate by roughly nine Djiboutian law enforcement agents. This inmate, who was naked from the waist down, was made to lie face down before he was beaten continuously for several hours by the Djiboutian agents. During this beating, the inmate was punched and kicked numerous times in his testicles.
6. Furthermore, for several days after my arrest, I was interrogated by Djiboutian law enforcement agents. I was made to wear a blindfold before taken from my cell and interrogated in my underwear. During these sessions, I was threatened with physical and sexual abuse if I refused to cooperate and was informed that inmates who did not cooperate, were raped and beaten. I was also repeatedly told that my two co-defendants – Ahmed and Mohamed Yusuf (“Yusuf”) – were being raped and beaten.
7. From August 5, 2012, through August 22, 2012, I was repeatedly threatened with physical torture and sexual abuse by the Djiboutian agents.
8. On or about August 25, 2012, while I was still imprisoned in the secret Djiboutian facility, American personnel (“Americans”), whom I believed were members of The Joint Special Operations Command or the CIA, arrived and subjected me to more than 10 interrogation sessions spanning roughly eleven calendar days. At no time prior to or during any of these interrogation sessions was I was advised of any constitutional rights, that I had the right to remain silent or that I had the right to speak to an attorney. Djiboutian officers warned me that Americans tortured uncooperative prisoners who refused to answer questions and strongly encouraged that I cooperate with the Americans. During each of the interrogation sessions, the Americans were joined by at least one of the Djiboutian officers who I observed participate in the torture of Ahmed or who repeatedly threatened me with physical torture and sexual abuse.
9. During these sessions and in response to questions posed to me by the Americans, I provided my interrogators with detailed information about myself and others. This included information about Al-Shabaab, my membership in and experiences with that organization and the reason for my travel through Djibouti. I feared that my refusal to cooperate would result in physical torture and sexual abuse.
10. On or about September 15, 2012, agents from the Federal Bureau of Investigation (“FBI”) arrived at the Djiboutian facility where I had been detained since my arrest and began interrogating me. I sat for roughly seven interrogation sessions with the FBI and my final meeting with the FBI agents was on or about November 13, 2012. Although I was advised of my constitutional rights prior to each of these meetings, it must be noted that each of these meetings was attended by one of the Djiboutian agents who I had witnessed torture Ahmed or who had previously threatened me with physical and sexual abuse. Fearing that I would be tortured if I refused to answer questions and desperate to be removed from the unbearable conditions under which

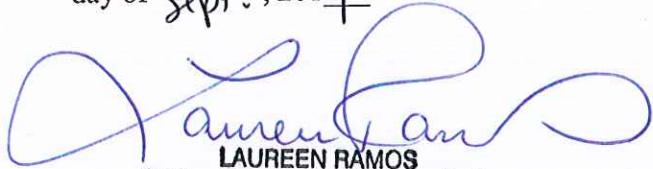
I had been imprisoned since my arrest, I answered questions and provided the agents with much of the same information provided previously.

11. My lawyer prepared this affidavit. It does not indicate all of the facts and circumstances of which I am aware.
12. Therefore, I now request, through my attorney, that this Court suppress all of my post-arrest statements.

Dated: September 4, 2014

  
\_\_\_\_\_  
MADHI HASHI

Duly sworn to me this 4  
day of Sept., 2014

  
LAUREEN RAMOS  
Notary Public, State of New York  
No. 01RA6061005  
Qualified in Bronx County  
Commission Expires 12-5-15